

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Ronald Pfeifer, et al.	:	Date: March 25, 2008
Group Art Unit:	2179	:	IBM Corporation
Examiner:	M. Tran	:	Intellectual Property Law
Serial No.:	10/601,996	:	Dept. 917, Bldg. 006-1
Filed:	June 23, 2003	:	3605 Highway 52 North
Title:	BEHAVIOR ANALYSIS BASED OPTIMIZATION OF NAVIGATION IN E-COMMERCE USER INTERFACES	:	Rochester, MN 55901

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 223313-1450

APPELLANTS' REPLY BRIEF

Sir:

This is an appeal of a Final Rejection under 35 U.S.C. §112 and 35 U.S.C. §103(a) of claims 1-19 of Application Serial No. 10/601,996, filed June 23, 2003. A Notice of Appeal was duly filed herein on August 29, 2007, as required by 37 C.F.R. §1.192, and an Appeal Brief filed on October 29, 2007. The Examiner issued an Answer to the Appeal Brief on January 25, 2008. The present Reply Brief is in response to a new objection made in that Answer, and constitutes a request to maintain the appeal, to the extent such a request is necessary.

Sections 1-5 and 8, as well as the Appendices, of the original Appeal Brief are unchanged and are incorporated by reference in this Reply Brief.

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6. Grounds of Rejection To Be Reviewed on Appeal

In addition to the previously stated grounds of rejection (which are incorporated by reference herein), the Examiner objected to the specification as failing to provide support for the term “computer-readable program”, used in claims 9-16.

7. Argument

In addition to all arguments previously presented by Appellants, the same being herein incorporated by reference, Appellants contend that the Examiner failed to establish adequate grounds of rejection for the following reason:

IV. The Examiner improperly objected to the specification and claims 9-16 because the claim language has been amended.

At section (9) (p. 3) of the Examiner’s Answer, the Examiner objected to the specification for failing to provide proper antecedent basis for the term “computer-readable program”. The term “computer-readable program” is no longer in the claims. It was deleted in the Amendment after final rejection dated July 12, 2007. The Examiner entered this amendment by Advisory Action dated July 23, 2007. Therefore, the Examiner’s new objection is without foundation.

The Examiner did not raise any other new grounds of objection in the Answer, and Appellants rely on their Appeal Brief previously filed herein for a response to the grounds of rejection which were already at issue. For all the reasons stated herein and in

the Appeal Brief, the outstanding rejections were improper, and Appellants respectfully request that the Examiner's rejections of the claims be reversed.

Date: March 25, 2008

Respectfully submitted,

RONALD PFEIFER, et al.

A handwritten signature in black ink, appearing to read 'Roy W. Truelson', with a long horizontal flourish extending to the right.

By _____

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